



Durham Police Department

Professional Standards Annual Report – 2018 CY

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DURHAM POLICE DEPARTMENT

MISSION STATEMENT

To minimize crime, promote safety, and enhance the quality of life in partnership with our community.

VALUES

We respect the rights and individuality of all people. We are committed to personal and organizational integrity. We are committed to providing quality service in partnership with our community.

Mission Statement
Values
Organizational Vision
Accreditation
Code of Ethics
Policy & Procedures

FOUNDATION

ORGANIZATIONAL VISION STATEMENT

To be a progressive law enforcement agency committed to reducing crime by providing the best quality of service, fostering public confidence and maintaining the highest standards of excellence as a community partner for positive change.

CODE OF ETHICS

As a member of the Durham Police Department my fundamental duty is to serve the public interest. I must therefore conduct myself in a manner that fosters the respect, trust and confidence of the public.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency.

I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others.

I will be exemplary in obeying the law and the regulations of my department and honest in thought and deed both in my personal and official life. Whatever I see or is confided to me in my official capacity of a confidential nature will be kept secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions.

I will never engage in acts of corruption or bribery, nor will I condone such acts by other Department members. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

ACCREDITATION

The Durham Police Department is committed to the organizational excellence through the participation in the Police Accreditation process. Excellence in policing promotes effective and efficient practices within the organization and thus provides for quality service to the community.

The Durham Police Department has been accredited by the Commission on Accreditation for Police Agencies, Inc. (CALEA) since 1991 and remains committed to continual improvement and organizational development that is garnered by the process.



Message from the Commander

This annual report, which is prepared by the Professional Standards Division of the Durham Police Department (DPD), is a review of department investigations involving both sworn and non-sworn employees of the DPD conducted in 2018. The information provided in this report derives from the analysis of key areas including: Internal Affairs Investigations, Bias Based Policing, Use of Force, Vehicle Pursuits and Department Motor Vehicle Collisions.

The 2018 Professional Standards Division Annual Report has been developed with three goals in mind. To provide

1. Information on the complaint process, investigative process and disciplinary process of the department;
2. Information on the Community oversight of administrative investigations conducted against personnel of the DPD;
3. An overview of the results of internal and external investigations, use of force actions and vehicle collisions involving personnel and vehicle pursuits;

Due to the nature of police work, officers are expected to identify, assess, and respond to situations with limited information and to take the most appropriate action. Though some interactions between police officers and citizens are highly stressful and rapidly evolving, most reach the best possible solution without a complaint or force.

When a citizen feels that their interaction with an officer does not comply with the standards of the Durham Police Department or that the employee has exceeded their authority or acted inappropriately, it is necessary that supervisors and Command Staff address these issues. To ensure that these issues are handled correctly, a system of guiding principles must be in place to ensure that all concerns, external or internal, are addressed promptly, sufficiently, and fairly. These principles must ensure the following:

- Citizen concerns and complaints are taken seriously, investigated properly and with due diligence on the part of the Department to address any identified violations of policies and procedures;
- Employees will receive an impartial and thorough investigation. In order for employees to continue to have confidence in this system, they must know that if their behavior or actions are found to be consistent with Departmental policy and procedures, the Department will support them;
- The Department is able to monitor and identify trends in employee behavior, favorable or unfavorable, in order to adjust and modify policy, practice, and training.

The DPD has numerous General Orders, Rules and Regulations, and Standard Operating Procedures for topics ranging from Uniform Dress Code to the Use of Force. When an alleged violation of these policies has been discovered, an investigation is conducted to determine what policy, if any, has been violated and if so, what punishment is appropriate.

Marianne Bond

Marianne Bond
*Captain, Professional Standards
Division*

Professional Standards Division

The Professional Standards Division (PSD) is a part of the Office of the Chief of Police and is comprised of Internal Affairs, Staff Inspections, Secondary Employment, and the Office of Accreditation. The PSD Commander reports directly to the Chief of Police.

Internal Affairs

The Internal Affairs Unit is managed by a Captain who serves as the Division Commander. One Lieutenant, three Sergeants, two Corporals, a non-sworn Administrative Coordinator and a non-sworn Office Assistant comprise the staff of the Internal Affairs Unit. In 2018, the Internal Affairs Unit handled 331 cases, which included Use of Force reviews, Vehicle Pursuit reviews, Vehicle Crashes involving Department members, Performance Reviews, Citizen Complaints/Concerns and Administrative Investigations.

Staff Inspections

The Department maintains one Sergeant as the Staff Inspector. This position conducts inspections on different components of the Department to ensure policies and procedures are upheld and to assist in identifying potential improvements. The Staff Inspector is also responsible for monitoring the state mandated Traffic Stop Report forms. In 2018, the Staff Inspector conducted nine staff inspections on the following agency components:

- Community Services Division
- Police Fleet
- Property & Evidence (three Inspections conducted)
- MDC Audits (three Inspections conducted)
- Driver's License Audit

Office of Accreditation

The Office of Accreditation is responsible for managing the Department's Commission on Accreditation for Law Enforcement Agencies (CALEA) accreditation program and maintaining the Department's policies and procedures. In September 2018, the Department completed its annual review of accreditation by CALEA for the first year in the current accreditation cycle.

The Internal Affairs Process

Making a Complaint

Citizens may lodge complaints against employees of the DPD via telephone, in-person, via e-mail, written correspondence, or online electronic submission. Anonymous complaints are also accepted. In person complaints may be received by the desk officer at police headquarters or any member of the DPD.

Not all complaints require a formal investigation. Supervisors may follow up with citizens where there may be a misunderstanding of applicable policies, procedures or the law.

The PSD's Internal Affairs Unit investigates all allegations of misconduct that carry more serious consequences for the employee, the Department or threatens the community's confidence in the police. The employee's immediate supervisor conducts internal investigations of complaints with less serious consequences for the employee or community confidence. When the investigation is complete, the employee's divisional chain of command shall review all of the facts and determine how the complaint is adjudicated.

The DPD makes every effort to investigate and adjudicate employee involved investigations in a timely manner.

The Investigative Process

All PSD investigations and notifications of complaint disposition follow guidelines established by state law and department policy.

Upon receipt of a complaint, the PSD staff enters the complaint into the case management software system, which assigns a complaint file number to the case. The case management software permanently captures all elements of a complaint throughout the investigative process. The information within the system cannot be deleted, even if the complaining party later withdraws a complaint. The PSD Commander will review the complaint allegations to determine which policy violations are applicable for investigative purposes; determine the severity of the allegation(s), and assign the case for investigation.

The assigned supervisor conducts the investigation, which consists of:

- Interviewing and obtaining a statement from the complaining party;
- Interviewing and obtaining statements from relevant witnesses;
- Obtaining physical, documentary, photographic and video evidence;
- Interviewing and obtaining a statement from the accused employee;

- Re-interviewing complainants, witnesses or accused employees to clarify facts; and
- Completing summaries of evidence and events surrounding the allegation(s) of misconduct and investigation results.

Violations of Criminal Law. When an employee is alleged to have violated a criminal law, two parallel investigations typically occur: the Internal Administrative Investigation described above, and a separate Criminal Investigation which is conducted by the Criminal Investigations Division (CID). All criminal investigations are reviewed by the District Attorney to determine if the employee will be prosecuted.

Use of Force Resulting in Death. Any Use of Force by members of the DPD that results in the death of a citizen or any in-custody death is investigated as a violation of criminal law. There are three concurrent investigations that are conducted under these circumstances:

- The Administrative Investigation by Internal Affairs as described above;
- A Criminal Investigation, by the North Carolina State Bureau of Investigation as an independent agency investigating the actions of the officer;
- A Criminal Investigation conducted by the DPD's CID into the criminal actions of the deceased.

The findings of the State Bureau of Investigation are submitted to the District Attorney to determine if the employee will be prosecuted.

Department Vehicle Collisions (Crashes). All department vehicle crashes are investigated in accordance with N.C. State Law and department policy. All department vehicle traffic crashes are forwarded to the PSD for review by an Internal Affairs investigator.

Other Investigations. DPD supervisors conduct investigations into all Use of Force applications, Firearm Discharges, Vehicle Pursuits and Injury to Citizens. Once the information has been gathered by the supervisor and a conclusion of facts has been developed, the case file is ready for a review by the employee's chain of command for concurrence with the findings of the investigation and if warranted, a disciplinary recommendation.

Case Findings

Findings are determined by the assigned supervisor based on a conclusion of the facts and reviewed by the employee's chain of command as described above. Each allegation will receive one of seven possible findings:

1. **Sustained** - The investigation disclosed sufficient evidence to prove the allegation made in the complaint. The standard of proof to sustain an allegation is defined as a preponderance of the evidence, a much lower standard than proof beyond a reasonable doubt.
2. **Not Sustained** - The investigation failed to disclose sufficient evidence to prove or disprove the allegation made in the complaint.
3. **Exonerated** - The acts that provided the basis for the complaint or allegation occurred; however, the investigation revealed that they were justified, lawful and proper.
4. **Unfounded** - The allegation is false or the employee could not have committed the violation.
5. **Withdrawn** - The complainant withdraws the complaint before completion of the investigation or finding of fault.
6. **Discontinued** - Circumstances exist where the investigation can no longer be continued against the employee.
7. **Policy Failure** - The allegation is true. There is, however, no written policy governing the conduct in question therefore, the employee was not inconsistent with departmental policy.

PSD reviews all investigations for consistency with the established investigative process, but does not participate in determining or assigning discipline in any investigative cases.

The Discipline Process

Disciplinary actions are the sole responsibility of the employee's chain of command. In cases with sustained findings the investigation is returned to the employee's commander for a recommendation for disciplinary action. The employee's commander is provided a history of disciplinary actions for the applicable violation and the employee's history to assist with making a recommendation. The recommended discipline is forwarded through the employee's chain of command for concurrence with the recommendation.

It is the policy of the DPD to follow a progressive disciplinary system and to ensure that all discipline will be administered in an equitable, fair, and consistent manner per City Policy HRM 322 - Disciplinary Policy.

Civilian Police Review Board (CPRB)

The City of Durham, under the authority of the City Manager, has tasked a citizen based oversight committee known as the Civilian Police Review Board to hear complaints submitted by residents concerning actions taken by Durham police officers. If a complainant is not satisfied with the outcome of the investigation, he or she may file a request for a hearing with the board. The nine-member board is appointed by the City Manager and confirmed by the City Council for term limited service. The CPRB accepts appeal requests in cases where the complainant disagrees with the finding(s) of an investigation. The CPRB will review the appeal request to determine if there are grounds for an appeal hearing.

Professional Standards Cases

A review of reports and statistical information from 2018 was conducted to identify trends, policy concerns and training needs. It is important to note that a single incident may generate multiple actions in the Internal Affairs case management system. The 331 cases handled or reviewed by Professional Standards in 2018 reflects the total number of cases, some of which may be related to the same incident. The Durham Police Department Professional Standards Division utilizes IAPro software to build and maintain investigative files and our frontline supervisors use the digital web-based version, BlueTeam, to enter and manage investigations in the field. IAPro and BlueTeam are an integrated system which allows for a paperless process. Figure.1 illustrates how different Professional Standards cases may be linked together:

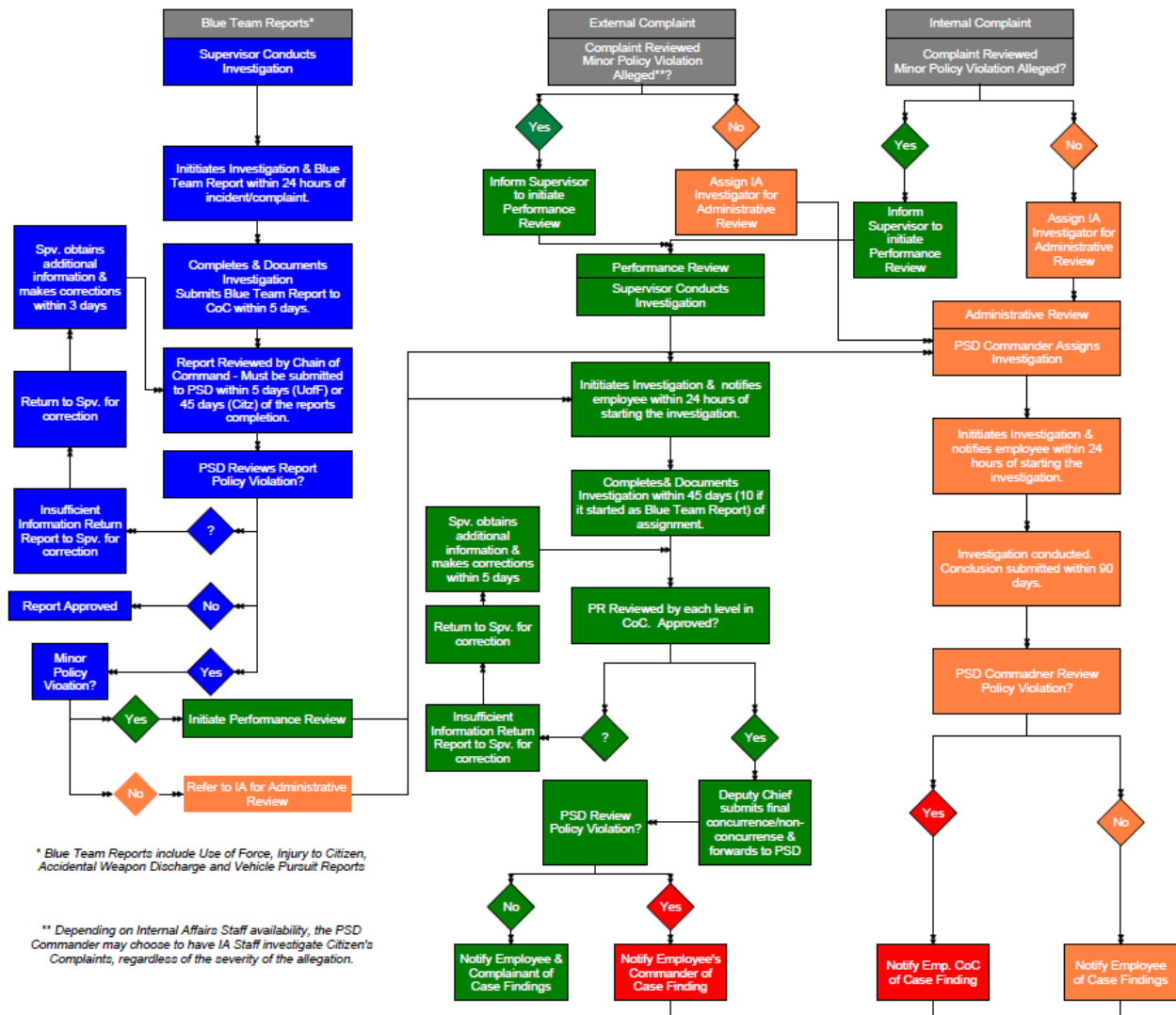


Figure.1

When reviewing the statistics for Professional Standards cases, it is also important to keep in mind that a single case may contain more than one allegation of a policy violation, and/or may involve more than one employee.

Figure 2 reflects the breakdown of cases reviewed or investigated by Professional Standards in 2018:

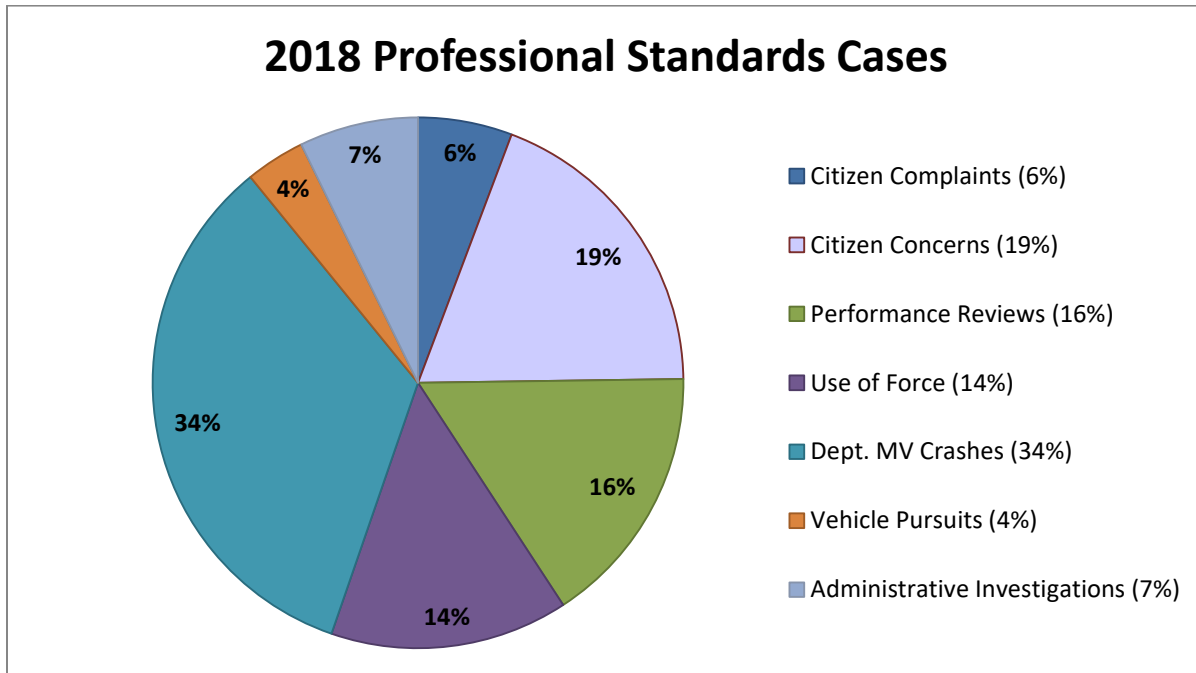


Figure.2

Citizen Complaint and Citizen Concerns

A Citizen Complaint occurs when the Department is notified that an employee's conduct or behavior leads an individual to believe that a policy, procedure or law was violated during a citizen-police interaction. A new category for Citizen Concerns was started in 2016 to address complaints that were submitted by citizens that did not involve allegations against specific members of the DPD but were about issues such as noise complaints and improper parking or other concerns without filing a formal complaint.

An analysis of citizen-police interaction was conducted by comparing the total number of calls for service for 2018. Calls for service (CFS) are those citizen-police interactions that are entered in the department's computer aided dispatch (CAD) system. These calls for service can be initiated by a citizen's request for police response or self-initiated activity by police personnel. In 2018, 19 Citizen's Complaints were made which included 52 total allegations.

Even though calls for service increased 22% in 2018 versus 2017, citizen complaints decreased by 45%. In 2017 we averaged one complaint for every 7,800 calls for service and in 2018 we averaged one complaint for every 17,500 calls for service.

Citizen Complaints in General	2016	2017	2018
Calls for Service	280,902	274,885	335,928
Citizen Complaints	47	35	19
Citizen Concerns	24	47	63
Citizen Allegations	117	87	52
Citizen Complaints per Calls for Service	5,977 (.01%)	7,854 (.03%)	17,680 (.006%)

Table.1

Allegation Findings – Citizen Complaints	2016	2017	2018
Sustained	14	19	15
Not Sustained	12	7	8
Exonerated	65	45	17
Discontinued	2	3	2
Unfounded	23	5	2
Withdrawn	0	2	8
Other	1	0	0
Pending	0	11	0

Table.2

2018 Top 5 Allegations of Policy Violation	Citizen Complaints
Rule 2.4 – Responsibility to Respect the Rights of Others	7
GO 4083 – Body Worn Camera	6
GO 4008 – Use of Force	6
GO 4004 – Warrantless Search and Seizure	5
Rule 2.1 - Responsibility for Knowing Law/Directives	5

Table.3

Administrative Investigations

Administrative Investigations are internal investigations that are initiated at the direction of the Chief of Police or their designee due to the severity of the allegations of potential misconduct or alleged violation of criminal law. The PSD conducts these investigations.

In 2018, 24 Administrative Investigations were generated which included 92 total allegations. There were 17 more cases in 2018 than the previous year. The increase in allegations can be attributed to three cases with multiple officers. One case, in particular, involves 16 officers with 26 allegations, 20 of which were sustained. Another case involved six officers with nine allegations, which were all sustained. In a third case, there were nine officers with a total of nine allegations. One of these violations was discontinued and eight resulted in a policy failure. These three cases account for 45% of the allegations in the Administrative Investigations.

Administrative Investigations [AI]	2016	2017	2018
Total AI Initiated Cases	23	7	24
Total Number of AI Allegations	63	20	92
Total Number of Employees Involved	32	11	56

Table.4

Allegation Findings – (Administrative Inv.)	2016	2017	2018
Sustained	24	15	50
Not Sustained	6	0	7
Exonerated	17	2	6
Unfounded	3	0	4
Withdrawn	5	0	4
Discontinued	7	3	8
Policy Failure	0	0	10
Other	1	0	3

Table.5

2018 Top 4 Allegations of Policy Violation	Administrative Investigations
GO 2025 - In-Service Training	15
Rule 2.2 - Performance of Duty	11
GO 2017 - Secondary Employment	10
Rule 1.3 - Conduct Unbecoming	6

Table.6

Performance Review

Performance Reviews are initiated by the employee's supervisor or command level authority. The initiation of a performance review can occur when command level personnel identify potential violations of department policy, procedures or alleged misconduct. Performance Reviews can also be generated after a review of a Use of Force Investigations or Vehicle Pursuit Investigations. In 2018, 53 complaints were initiated which included 63 total allegations.

Performance Reviews	2016	2017	2018
Total Performance Reviews Initiated	60	57	53
Total Number of Allegations	87	59	63
Total Number of Employees Involved	65	58	51

Table.7

Allegation Findings – Performance Reviews	2016	2017	2018
Sustained	65	53	56
Not Sustained	5	2	1
Exonerated	8	1	4
Unfounded	0	0	0
Withdrawn	5	0	0
Discontinued	0	1	1
Policy Failure	4	0	0
Other	0	0	1

Table.8

2018 Top 5 Allegations of Policy Violation	Performance Reviews
GO 2017 - Secondary Employment	16
GO 2025 - In-Service Training	8
Rule 1.2 - Obedience to Laws	7
GO 4083 - Body Worn Cameras	5
GO 4019 - Vehicle Pursuits	4

Table.9

Disciplinary Actions

Each situation is unique and the City of Durham reserves the right to treat violations of its rules, regulations, policies, guidelines or other performance expectations on an individual basis without creating a binding precedent for other cases which may arise in the future.

The City of Durham utilizes a progressive disciplinary policy for performance of duty issues. It also reserves the right to determine the level of discipline for personal conduct issues without use of progressive disciplinary principles.

Figure.3 Illustrates the Discipline Process after a policy violation has been identified:

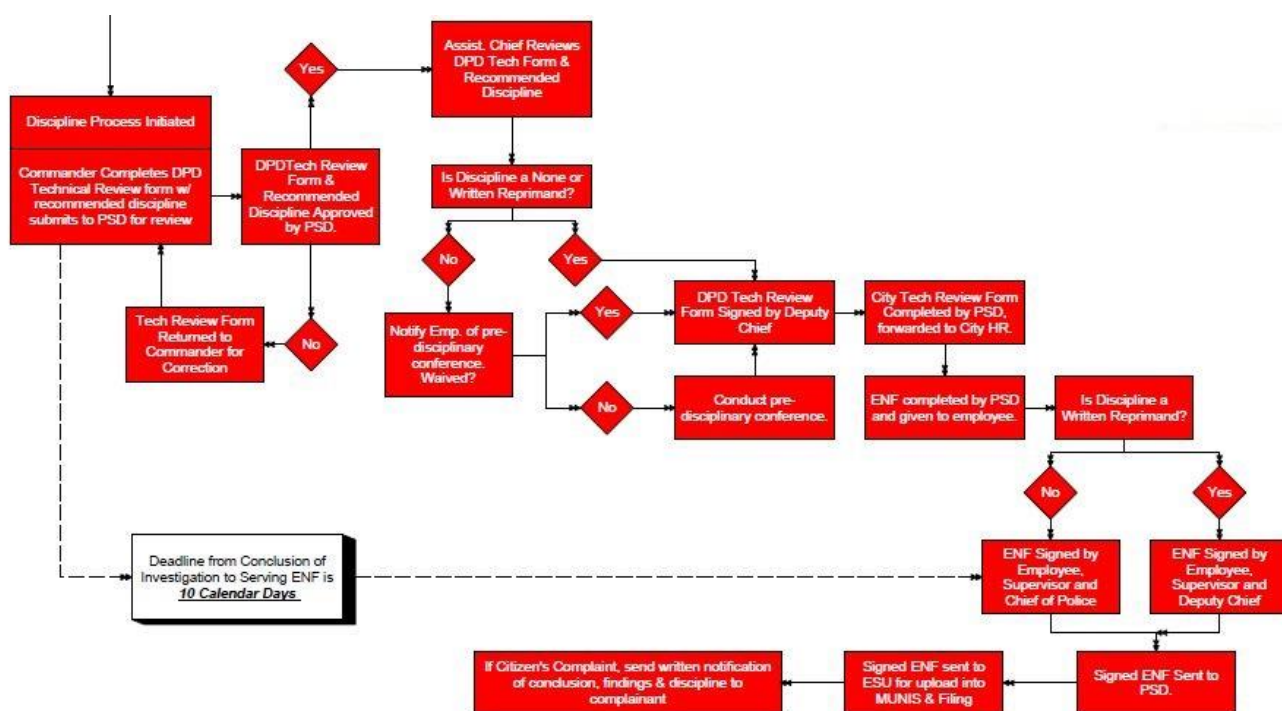


Figure.3

In 2018, there were 135 disciplinary actions. Some allegations pertained to more than one employee while the disciplinary actions are counted by individual employees.

During 2018 the IAPro software disciplinary actions categories were updated to reflect the language in Durham Police General Order 2001 – Disciplinary Procedures. Two such categories, Coaching and Counseling and Administrative Actions, are not considered a disciplinary action. However, those actions are included in the total provided.

In 2018, there was a slight increase in Coaching and Counseling which can be attributed to violations of City FLT 100 – City Vehicle Policy, Durham Police General Order 2017 – Secondary Employment, and Durham Police General Order 2025 – In-

Service Training. These violations of policy combined resulted in 45 non-disciplinary actions of Coaching and Counseling. The second form of non-disciplinary action, Administrative Actions, resulted in 11 actions which can include: reassignment, specialized training, limiting supplemental duties, etc.

Disciplinary/Personnel Actions Taken

Actions Taken	2016	2017	2018
Suspensions	21	14	17
Demotions	2	0	3
Resignation (in lieu of termination)	1	2	1
Termination	2	0	0
Other (Administrative Actions, Reprimands, Coaching & Counseling etc.).	63	76	113

Table.10

Use of Force

The DPD uses North Carolina Training and Standards mandated subject control techniques to instruct personnel in the legal application of the use of force. This instructional lesson plan trains officers to understand the level of force most appropriate for the level of resistance faced by the officer. General Order 4008 - Use of Force establishes the Department's policy and procedures for the deployment and reporting of force. An officer's decision to use any level of force is based on the behavior presented by the subject involved. When an officer finds it necessary to use force to achieve a lawful police function, they must use the most reasonable amount of force necessary given the totality of the circumstances given at the time. By law and policy, an officer must continually assess the totality of the circumstances and appropriately escalate, de-escalate, or completely cease any force used to overcome subject resistance. Members of the DPD are never justified in using excessive force. In 2018, Internal Affairs reviewed 48 Use of Force cases. In some cases, more than one type of force was used.

Less-than-Lethal Force

Officers have issued equipment which may be used to protect themselves or others, or to gain control of non-compliant or assaultive individuals in arrests and other enforcement situations. The use of a conducted electronic weapon (Taser), aerosol weapon (Pepper Spray), or impact weapon (Baton) shall constitute use of less-than-lethal force. Training on less-than-lethal weapons is required biennially. In 2016, DPD's use of force policy was revised. As a result of this revision, specifically the guidelines for the use of a Taser when someone is fleeing from the officer, the number of Taser uses has declined.

Type of Force	2016	2017	2018
Expandable Impact Baton	1	1	1
Aerosol Spray	9	5	5
Taser	27	10	14
Canine	11	4	1
Hard Empty Hands	12	10	10
Soft Hands with Injury	27	59	41
Total Agency Custodial Arrests	6,094	4,996	4,769

Table.11

Offender Compliance/Non-Compliance in Documenting Use of Force

The PSD reviews all applications of force to include the reason for the application of force. The analysis is conducted to identify needs in training and/or policy evaluation. During the calendar year of 2017, there was an update in the Use of Force software to reflect the options in the Durham Police Department General Order 4008 - Use of Force. For this report the reasons for the use of force have been broken down into the following categories, which explain the reason for the force used:

Compliance – describes subject behavior characterized by obedience to the verbal direction and an absence of physical efforts to prevent control by a police officer

Passive Non-Compliance – describes subject behavior characterized by willful disobedience of verbal directions accompanied by an absence of physical efforts to prevent control by a police officer.

Active Non-Compliance – describes subject behavior characterized by willful disobedience to verbal directions and the presence of physical efforts to prevent control by a police officer.

Assaultive Non-Compliance – describes subject behavior characterized by physical efforts to strike, physically control or disrupt the balance and control efforts of a police officer.

Aggravated Assaultive Non-Compliance – describes subject behavior characterized by the use of weapon and/or physical efforts to strike, physically control, or disrupt the balance and control efforts of a police officer in a manner that is likely to cause incapacitation, unconsciousness, and/or death.

In Defense of Others - describes force being used to protect a third party from unlawful force which is likely to result in injury and/or death.

Figure 4 illustrates the reasons for use of force.

2018 Documenting Compliance for Force

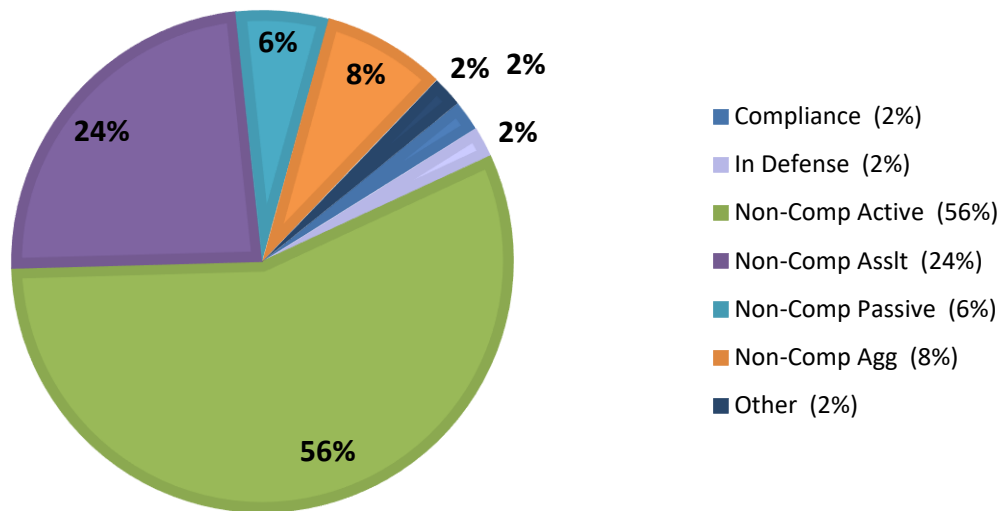


Figure.4

Supervisors investigating Use of Force incidents consider the level of force used in relation to the factors that precipitated the use of force when determining whether the appropriate level of force was used. In 2018, there were no trends or patterns in the relationship between offender compliance/non-compliance to force and the level of force used that required additional review.

Use of Deadly Force

Deadly force is the most extreme application of the force continuum that is likely to result in serious permanent bodily injury or death. The application of deadly force is generally applied by the discharge of a firearm, but can also include the use of a motor vehicle or impact weapon. All deadly force actions by Durham Police Personnel are thoroughly investigated in three separate components:

1. The Department's Internal Affairs Division conducts an administrative investigation to determine compliance with policy, procedures and training;
2. The Department's CID conducts a thorough investigation into the actions of the involved citizen,
3. The State Bureau of Investigation (SBI) conducts an independent investigation into the criminal actions of the officer to determine if any violation of state law occurred. The SBI's findings are presented to the Durham County District Attorney's Office for review to determine if the actions of the officer were justified or, if probable cause to charge the officer exists.

Sworn personnel of the DPD are required by the North Carolina Criminal Justice Training and Standards Commission to receive use of force training annually (that includes firearms qualification and a review of the use of force policy) in order to maintain their police certification.

Deadly Force Application	2016	2017	2018
Firearm Discharge	2	1	1
Motor Vehicle	0	0	0

Table.12

Table 13 provides a breakdown of the use of force activity by race and gender of the citizen. While 48 Use of Force cases were initiated, some circumstances required more than one type of force.

2018 Use of Force Statistics by Race/Ethnicity and Gender of Citizen										
		Race/Ethnicity & Gender of Citizen								
		White Non- Hispanic		Black Non- Hispanic		Hispanic/Latino Any Race		Other		Total
		M	F	M	F	M	F	M	F	
Firearm	Discharge	1	0	0	0	0	0	0	0	1
	Number of Citizens Receiving Non-Fatal Injuries	0	0	0	0	0	0	0	0	0
	Number of Citizens Receiving Fatal Injuries	1	0	0	0	0	0	0	0	1
Conducted Electrical Weapon		3	0	9	0	0	0	0	0	11
Expandable Impact Baton		0	0	0	0	0	0	1	0	1
Aerosol		0	0	2	1	0	0	0	0	3
Weaponless Force		8	3	17	2	0	0	1	0	31
Canine	Release Only	0	0	0	0	0	0	0	0	0
	Release & Bite	0	0	1	0	0	0	0	0	1
Total Use of Force		13	3	29	3	0	0	2	0	50
Total Number of Incidents Resulting in Officer Injury or Death		7	2	27	4	0	0	1	0	41
Total Number of Suspect Receiving Fatal Injuries		1	0	0	0	0	0	0	0	1
Total Number of Suspects Receiving Non-Fatal Injuries		10	3	22	3	0	0	1	0	39
Total Complaints Investigated Regarding Use of Force		1	0	2	2	0	0	1	0	6

Table.13

Bias Based Policing Review

Bias based police practices can have a profound, negative impact on the DPD's relationship with its community members. General Order 4074 - Bias Based Policing

strictly prohibits the use of bias based profiling. In 2018, the department received and investigated one complaint related to bias based policing. The allegation was investigated by the Professional Standards Division and was not sustained.

Traffic stop data is also reviewed by the department's Analytical Services Manager regularly to look for abnormalities that may indicate whether or not an officer is engaged in bias based practices. The data was analyzed further for officers that stopped at least 25 vehicles and had a 75% or higher rate of minorities. In 2018, that consisted of 18 total officers in the first half of the year and 15 in the second half.

The commanders of those officers were tasked with a more thorough analysis of their traffic stops, including a random review of in-car camera video and body worn camera video. Most of the officers worked in Uniform Patrol for either District 1 or District 4, which have the highest minority populations and the highest per capita violent crime figures.

Based on the data analyzed, there was no evidence of unexplainable disparities regarding traffic stops among the officers. Rather, officers are stopping vehicles consistent with the demographics and crime statistics of their assigned areas.

In 2018, Durham Police Department Officers attended *Equality in Policing*, as part of the mandatory in-service training. The training was mandated by the North Carolina Department of Justice (NCDOJ), Training and Standards Commission and provided officers with "...strategies and skills to identify and assess social and cultural factors which influence the public's perception of the Criminal Justice System and to ensure equality in the delivery of criminal justice services."

In addition to the mandatory in-service training, our new officers attend training on Fair and Impartial Policing, Bias Based Policing, and Procedural Justice. This curriculum is in addition to the required training from the NCDOJ in the Basic Law Enforcement Program.

Based on a review of agency practices, additional training is not recommended. The department's current training plan should be maintained. In October 2018, the Professional Standards Division reviewed General Order 4074 and recommended adding language to emphasize the importance of documenting traffic stop data in accordance with the recommended changes made to General Order 4028 *Report Writing*.

Motor Vehicle Pursuits & Collisions

Collisions Involving Department Employees

PSD utilizes a Traffic Accident Review Board represented by an Internal Affairs Sergeant; the DPD Fleet Manager; Traffic Services Sergeant (non-voting member); and

a North Carolina Training and Standards Certified Specialized Driving Instructor. This board reviews all department traffic collisions to determine if the officer involved violated department policy as well as recommending equitable disciplinary action.

The DPD active fleet of 532 City owned vehicles averages approximately 10,831 miles per vehicle yearly. DPD fleet vehicles were involved in 112 vehicle collisions during 2018. Of the 112 collisions, 41 were found to be a violation of policy; therefore, disciplinary action was imposed. Employees were found to be at fault in 57% of the vehicle crashes. The only pattern noted in our vehicle crashes were twenty-two percent caused by improper backing or rear-ending another vehicle.

After completion of basic drivers training in the academy, personnel do not receive any other updates on driving unless they have been found at fault in two collisions in three years. If they are at fault in two collisions in three years they are mandated to attend remedial drivers training. In 2018, the department required 13 employees to attend and complete remedial drivers training. Ten of those employees attended and completed remedial drivers training. However three are waiting for the next class to be scheduled to complete the training.

An employee involved in a vehicle collision where there is an obvious indication that the employee is at fault is required by city and department policy to submit to a drug and alcohol screening test immediately.

Motor Vehicle Pursuit

Motor Vehicle Pursuits are governed by General Order 4019 - *Vehicle Pursuits*. Vehicle pursuits are permitted when the officer reasonably believes that the violator has committed a violent felony and, by nature of the crime committed, the violator poses a threat of serious injury to the public or other police officers if they are not apprehended immediately. The forcible stopping of a motor vehicle is considered a use of deadly force therefore all requirements for the application of deadly force apply.

In 2018, 12 vehicle pursuits were initiated by department personnel, of which four were terminated either by the pursuing officer or a supervisor before the apprehension of a suspect. Ten of the pursuits were initiated because of a felony offense, which were not violations of policy. Two others were violations of policy and the pursuits were initiated for a traffic violation and failure to stop. In addition to these two violations of policies, a performance review case was initiated in 2018 which stemmed from a 2017 vehicle pursuit. The pursuit was initiated for suspicious activity, which is a violation of policy.

As with Use of Force reports, when an officer engages in a vehicle pursuit, a supervisor submits a Vehicle Pursuit Report to PSD with an incident critique attached. Each report is reviewed by PSD to ensure that they comply with department policy. In 2018, ten pursuits complied with department policy and two violated department policy. Seven of

the pursuits resulted in crashes where one suspect and one third-party were injured. However, no officers were injured during these pursuits.

All reports submitted in 2018 were analyzed. As a result of the 2018 Pursuit Report Analysis, there were no patterns or trends observed; therefore, there are no recommended changes to the policy or training at this time.

Conclusion

This 2018 Annual Report from the Professional Standards Division seeks to educate and inform the community and employees about the Department's commitment to maintaining a high level of professionalism among the men and women who serve the Durham community. The DPD Professional Standards Division will continue to work with citizens and employees to earn trust and cooperation to best serve the City of Durham.